

SERVED: October 5, 2006

NTSB Order No. EA-5253

UNITED STATES OF AMERICA  
**NATIONAL TRANSPORTATION SAFETY BOARD**  
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 4<sup>th</sup> day of October, 2006

_____	)	
MARION C. BLAKEY,	)	
Administrator,	)	
Federal Aviation Administration,	)	
	)	
Complainant,	)	
	)	Docket SE-17205
v.	)	
	)	
CHRISTIAN G.T. NADAL,	)	
	)	
Respondent.	)	
_____	)	

**ORDER DENYING RECONSIDERATION**

Respondent, appearing pro se, filed a two-page document styled a "Notice of Intent to Submit Petition for Rehearing, Reargument, Reconsideration or Modification[,]" that seeks an additional, but unspecified, amount of time to file an actual petition.

Respondent also subsequently submitted a late-filed petition for reconsideration.<sup>1</sup> The petition for reconsideration

<sup>1</sup> Respondent's petition for reconsideration is actually entitled, in the language of Rule 50, "Petition for Rehearing, Reargument, Reconsideration or Modification of an Order of the Board[.]" See 49 C.F.R. § 821.50. We treat the petition as a petition for reconsideration because the other relief requested is not appropriate on the record before us, and because the

was filed on July 13, 2006, or more than one week beyond the 30-day deadline for filing a petition for reconsideration. See 49 C.F.R. § 821.50(b). The petition is silent regarding the issue of timeliness.

Our rules of practice state that to obtain an extension of time to file a petition for reconsideration, a party must demonstrate "extraordinary circumstances." 49 C.F.R. § 821.11(b). In this regard, respondent stated in his original notice only that he needed extra time "pending his receipt of all materials from his x-counsel [sic] and for review to prepare the motion." It is not enough, in our view, to infer, without further explanation, an inability to adhere to this deadline merely because a party is no longer represented by counsel. Respondent has not demonstrated "extraordinary circumstances" that would warrant granting his request for an extension of time, and, therefore, his late-filed petition for reconsideration must be dismissed as untimely.<sup>2</sup> See Administrator v. Reid, NTSB Order No. EA-5171 (2005).

**ACCORDINGLY, IT IS ORDERED THAT:**

Respondent's request for an extension of time to file a petition under Section 821.50, and all relief requested under Section 821.50, is denied.

ROSENKER, Chairman, SUMWALT, Vice Chairman, and HERSMAN and HIGGINS, Members of the Board, concurred in the above order.

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(..continued)

substantive argument contained in the petition amounts to a petition for reconsideration.

<sup>2</sup> Nonetheless, we note that we have reviewed respondent's original notice and late-filed petition and neither presents argument or evidence that would warrant modification of our decision in Board Order No. EA-5225 upholding a 60-day suspension of respondent's airline transport pilot certificate for violations of sections 91.123(b) and 91.13(a) of the Federal Aviation Regulations.